

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Case No. 1:23-cv-00369-NRM-RML

Plaintiff,

-against-

**RESPONSE TO ORDER TO SHOW
CAUSE AND STATUS REPORT**

RARE BREED TRIGGERS, LLC; RARE
BREED FIREARMS, LLC; LAWRENCE
DEMONICO; KEVIN MAXWELL,

Defendants.

Defendants, Rare Breed Triggers, LLC, Rare Breed Firearms, LLC, Lawrence DeMonico and Kevin Maxwell, through undersigned counsel, provide this preliminary response to Plaintiff's Motion for a Temporary Restraining Order and status report, and request for a scheduling order. In support, Defendants state as follows:

1. Plaintiff, the United States, filed this action under seal and moved for an *ex parte* temporary restraining order (TRO) against Defendants.
2. After an *ex parte* hearing, this Court issued a limited TRO, ordered the matter unsealed and directed Defendants to respond to the Government's motion for a TRO by 5:00 pm EST on February 1, 2023, and set a hearing for February 2, 2023 at 2:30 pm EST.
3. Defendants were served with the TRO on January 25, 2023.
4. Undersigned counsel was retained by Defendants on January 31, 2023.
5. Defendants have conferred with the Government and have agreed, in principle, to an extension of the existing TRO and further briefing schedule for the Government's request for a preliminary injunction.

6. The parties also agree that the hearing set for February 2, 2023, should be used as a status conference.
7. Specifically, Defendants request that this Court set a March 15, 2023, deadline for Defendants to respond to the Government motion for a preliminary injunction (ECF No. 5), a March 27, 2023, deadline for the Government to file a reply, and hold a hearing on the preliminary injunction on April 10, 2023, or as soon as this Court's schedule allows following briefing.
8. Defendants will not object to an extension of this Court's existing TRO (ECF No. 11), consistent with this proposed schedule.
9. The Government asks that expedited discovery, including depositions, be substantially completed before Defendants submit their opposition to the United States' motion.
10. Defendants do not concede that this Court has personal jurisdiction over any Defendant. Defendants intend to preserve their objection to this Court's exercise of jurisdiction, and file this document to facilitate adjudication of a forthcoming jurisdictional objection.

Respectfully submitted this 1st day of February 2023.

s/ Jonathan M. Houghton
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Attorneys for Defendant, Rare Breed Triggers, LLC

**Pro Hac Vice Pending*

AFFIRMATION OF SERVICE

I, Jonathan M. Houghton, declare under penalty of perjury that I filed the foregoing with the Clerk of the Court of the Eastern District of New York through the CM/ECF system, which will serve notice of said filing on all counsel of record.

s/ Jonathan M. Houghton
JONATHAN M. HOUGHTON